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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,127	01/14/2002	Steven M. Schein	47664/RRT/S787	5539

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EXAMINER	
BELIVEAU, SCOTT E	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/047,127	SCHEIN ET AL.	
	Examiner	Art Unit	
	Scott Beliveau	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-27 and 29-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-27 and 29-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2005-04-21*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 April 2005 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 21 April 2005 was filed after the mailing date of the Final Rejection on 21 October 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

3. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claims 44 and 45 are objected to because claim 25 sets forth the usage of "a database" and claim 41 (upon which claims 44 and 45 are dependent) sets forth the existence of a "second database". For improved clarity, the examiner suggests changing the first recitation

of the "database" in claim 25 to read a "first database" and for claims 44 and 45 to subsequently refer to the "first database" in order avoid any confusion as to which database (ex. first or second) is being referenced by the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 6, 8, 10, 11, 24, 25, 27, 30, 32, 41-43 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Levine (US Pat No. 5,692,214).

In consideration of claim 1, Figure 1 of the Levine reference illustrates a "networked television schedule system". The system comprises a "distribution facility" [38] that "provides television programming", a "database for storing television schedule information" [40], a "first network" comprising and serving to interconnect the personal computer [18], cable box [16], VCR [14], and the television [12] such that it "communicates with the database" [40] via a "global computer network" [42] and the "distribution facility" [18] via a "communications path other than the global computer network" such as that associated with the cable television provider. As illustrated in the upper portion of Figure 1, the "first network" comprises a "television tuner that receives the television programming" [16], a "display monitor" [24], a "storage device for storing television programs" [14], an "input

device for receiving user inputs" [22 or 52] and a "processor" [20]. The "processor" [20] is "configured to access the database" [42] to "display a portion of the television schedule on the display monitor in a guide format" and to "control the storage device to store a television program selected from the displayed television schedule information and received from the distribution facility" (Col 3, Line 7 – Col 4, Line 31).

Claim 25 is rejected as previously set forth in claim 1 wherein Figure 1 of the Levine reference discloses a system for implementing a "method for displaying an interactive program guide (IPG)". The method comprises "storing television schedule information in a database" [40] which is "accessed" using a "processor" [18] included on a "first network" of interconnected consumer electronics. Subsequently, the "first network communicates with the database: [40] over a "global computer network" [42] in order to retrieve the schedule information. The "processor" [18], as illustrated, "displays" on a "display monitor" [24] "a portion of the television schedule information in a guide format" in response to the user's selection for a particular subset of the information. Subsequent to "receiving user inputs via an input device included on the first network" [22 or 52], the method involves "tuning a television tuner included on the first network" [16 or 14] to a "television program scheduled from the displayed television schedule information" and "controlling a storage device included on the first network" [14] for "storing a television program selected from the displayed television schedule information" and "received from a distribution facility" [38] in "communication with the first network via a communications pat other than the global computer network" (Col 3, Line 7 – Col 4, Line 31).

Claims 3 and 27 are rejected wherein the "first network is a home network" serving to interconnect the various in-house consumer electronics (Col 6, Lines 21-31).

Claims 6 and 30 are rejected wherein the "storage device is a VCR" (Col 3, Lines 7-23).

Claims 8 and 32 are rejected wherein the "selected television program is a future television program" (Col 4, Lines 9-14).

Claims 10 and 11 are rejected wherein the system further comprises "means for controlling the television tuner to tune to the selected television program" [37] (Col 4, Lines 18-34) wherein the "selected television program is a future television program" (Col 4, Lines 9-14).

Claims 24 and 41 are rejected wherein the aforementioned "first network" further comprises a "second database" wherein the "processor" [18] is further configured to "store television schedule information for television programs on the second database", to "retrieve stored television schedule information associated with a television program from the second database" and to "store the television program associated with the retrieved television schedule information in the storage device" in response to user previously designating the program to be recorded in the "storage device" [14] (Figure 6; Col 6, Lines 32-44).

Claim 42 is rejected in light of Figure 1 of the Levine reference which illustrates a "networked television schedule system". The system comprises a "database for storing television schedule information" [40], a "television tuner" [14 or 16] that is included on a "first network" that "communicates with the database" [40] via a "public network" [42], a "storage device" [14] "included on the first network for storing television programs" and a "processor" [18] "included on the first network". The "processor" [20] is "configured to

access the database" [40] to "receive and display a portion of the television schedule on the display monitor" [24] "wherein the portion of the television schedule information is received over the public network" [42] and to "control the storage device to store a television program selected from the displayed television schedule information" (Col 3, Line 7 – Col 4, Line 31).

Claim 43 is rejected wherein the "first network is a home network" serving to interconnect the various in-house consumer electronics (Col 6, Lines 21-31).

Claim 47 is rejected wherein the "selected television program is a future television program" (Col 4, Lines 9-14).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 2, 5, 26, 29, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Pat No. 5,692,214) in view of the "BIGSURF Netguide" publication.

In consideration of claims 2, 5, 26, 29, 44, and 45, the Levine reference is unclear as to whether or not the "global communication network" [42] is necessarily the "Internet" which serves to interconnect a remote database provider with the end-user computer so as to provide television schedule information. The "BIGSURF Netguide" publication provides evidence that it was known in art to provide a "database [of television schedule information] . . . accessible via a web site" (Page 9 – "What's On Tonight!") through a "global computer network" namely the "Internet". Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to particularly utilize a schedule source such as a "web site" through the "Internet" for the purpose of accessing and distributing television schedule information using the ultimate digital TV Guide (Page 9 – "What's On Tonight!") via a low cost distribution means such as the Internet.

10. Claims 7, 31, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Pat No. 5,692,214) in view of Kubota et al. (US Pat No. 5,862,292).

In consideration of claims 7, 31, and 46, the Levine reference discloses that the storage device [14] is a conventional VCR, but is silent as to the VCR being a "digital storage device". The Kubota et al. reference discloses a VCR [1] that is a "digital storage device" or digital VCR (Abstract; Col 2, Line 53 – Col 3, Line 8; Col 3, Lines 34-54). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a digital VCR [1] or "digital storage device" such as that disclosed by Kubota et al. in conjunction with Levine for the purpose of utilizing a "digital storage device" which

advantageously provides a "digital storage device" with the flexible capability to record and reproduce signals in future formats without the need for attaching new circuits (Kubota et al.: Col 1, Lines 32-38).

11. Claims 9, 12, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Pat No. 5,692,214) in view of Lawler et al. (US Pat No. 5,805,763).

In consideration of claims 9, 12, and 33, the Levine reference is silent with respect to the "selected program being a current television program" as opposed to a future program. The reference, however, suggests that the user is operable to establish unattended recording for a selected time period (Levine: Col 4, Lines 9-13). It is commonly known in the art to allow a user to select and record both current and future programs. In particular, the Lawler et al. reference discloses a system and method for unattended recording of video programs wherein the "selected program . . . [is] a current television program" or a future program (Lawler et al.: Col 12, Line 29 – Col 13, Line 7). Accordingly, it would have been obvious to one having ordinary skill in the art to modify Levine to provide the ability to "select . . . a current television program" for recording as well as to provide additional functionality to the program guide as taught by Lawler for the purpose of providing an improved means by which a user may locate and designate programs for recording that advantageously provides greater flexibility and recording options (Lawler et al.: Col 1, Line 62 – Col 2, Line 5; Col 2, Lines 30-35).

12. Claims 14-16, 23, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Pat No. 5,692,214) in view of Knee et al. (US Pat No. 5,589,892).

In consideration of claims 14 and 35, the Levine reference is silent with respect to "establishing a link to a product database for purchasing a product" in connection with the displayed program listings. In a related art pertaining to network television schedule systems and interactive program guides, the Knee et al. reference discloses an interactive program guide that further comprises "icons" [401] for "establishing a link to a product database for purchasing a product" (Figures 43A-E; Col 36, Line 62 – Col 38, Line 35). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Levine to further provide "icons" that "establish a link to a product database for purchasing a product" in conjunction with program listings for the purpose of providing a new vehicle for marketing program-related products and services capable of reaching a very large audience that would not normally tune to existing home shopping channels (Knee et al.: Col 4, Lines 56-60; Col 38, Lines 32-35).

In consideration of claims 15, 16, and 36, the Levine reference does not particularly disclose nor preclude further "displaying an icon with the displayed television schedule information for establishing a link to a service provider database for information independent of a user's program choice" including "one or more of news, weather, sports, scores, financial data, and local traffic". In a related art pertaining to networked television scheduling systems and interactive program guides, the Knee et al. reference discloses an IPG that further comprises a "link" as claimed which provides information pertaining to "sports, news, scores, financial data, and weather information" (Knee et al.: Col 45, Lines 26-54). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Levine to provide a "link" to "service provider databases" as

disclosed by Knee et al. for the purpose of enhancing the utility of the IPG into a personalized multimedia information system that provides convenient access to information that may be of interest that are not part of the IPG application (Knee et al.: Col 4, Lines 17-25, 50-54, and 64-67).

In consideration of claim 23, the Levine reference discloses that the "first network" comprises a "second database" comprising stored television schedule information which is "accessible by the "processor" [18] for the user to subsequently utilize in selecting programs for recording (Col 3, Line 54 – Col 4, Line 13). The reference, however, is silent with respect to the database further "providing advertisements". In a related art pertaining to networked television schedules, the Knee et al. reference discloses a "second database . . . for providing advertisements" pertaining to products related to displayed television programming (Figures 43A-E; Col 36, Line 62 – Col 38, Line 49; Col 39, Lines 41-47) . Accordingly, it would have been obvious to one having ordinary skill in the art so as to modify the "second database" of Levine so as to further "provide advertisements" purpose of providing a new vehicle for marketing program-related products and services capable of reaching a very large audience that would not normally tune to existing home shopping channels (Knee et al.: Col 4, Lines 56-60; Col 38, Lines 32-35).

13. Claims 13, 20-22, 34, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Pat No. 5,692,214) in view of Lawler et al. (US Pat No. 5,907,323).

In consideration of claims 13 and 34, the Levine reference discloses that the "first network" comprises a "second database" comprising stored television schedule information which is "accessible by the "processor" [18] for the user to subsequently utilize in selecting

programs for recording (Col 3, Line 54 – Col 4, Line 13). The reference however, is silent with respect to further providing "previews of upcoming programs" in association with the television schedule. In a related art pertaining to networked television schedules, the Lawler reference provides evidence as to it being known in the art to provide "previews of upcoming programs" as retrieved from a local memory for display with television schedule information or interactive program guides (IPGs) (Lawler et al.: Col 5, Line 12 – Col 6, Line 2; Col 6, Lines 15-27 and 54-61). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Levine display interface and local memory or "second database" associated with the processor [18] to store and to provide "previews of upcoming programs" using multi-frame video-previews for the purpose of advantageously providing and presenting additional supplemental information or meaningful information pertaining to a program selected by the viewer in an efficient manner (Lawler et al.: Col 2, Lines 23-33, Col 2, Line 48 – Col 3, Line 12).

Claims 20-22 and 40 are rejected in light of the aforementioned combination of references wherein Figures 3A and B of Lawler et al. illustrate that the "processor is . . . configured to display a section" [94/96] in a manner that is "interactive in response to user inputs" [90/91] (Lawler et al.: Col 5, Lines 24-49) for "providing information about a particular future television program on the display monitor" [18] wherein the "information . . includes one or more of a picture, video and descriptive text" (Lawler et al.: Col 6, Lines 41-55; Col 6, Lines 48-61).

14. Claims 17, 18, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Pat No. 5,692,214) in view of Lawler (US Pat No. 5,758,259).

In consideration of claims 17, 18, 37, and 38, the Levine reference discloses the ability to search/sort for television programs within the program guide (Col 2, Lines 5-13), however, it does not explicitly disclose nor preclude the usage of a "virtual agent". The Lawler reference discloses an interactive program guide wherein a "virtual agent" is operable to "automatically search the database based on preferences of the user" that are "learned" from "previous user choices" of programming. The virtual agent subsequently uses this information for "customizing the displayed schedule information for each particular user" IPG [80] for presentation to the viewer thereby "creating pointers to locations in the database based on preferences of a user" (Col 4, Lines 43-49; Col 5, Lines 54-59; Col 9, Lines 19-26). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Levine with the television schedule information "virtual agent" teachings of Lawler for the purpose providing the user with a programming guide that is automatically personalized thus reducing the programming information a viewer must consider to identify appropriate programming selections (Lawler: Col 2, Lines 31-37).

15. Claims 19 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Pat No. 5,692,214), in view of the "BIGSURF Netguide" publication, and in further view of Harrison (US Pat No. 5,694,163).

In consideration of claims 19 and 39, as aforementioned, the Levine et al. reference does not explicitly disclose the limitation of "establishing a link to a chat room Internet site". The "BIGSURF NetGuide" publication provides evidence as to the existence of "chat room Internet sites" (Pages 18-21), however, it does not explicitly disclose the usage of such in conjunction with selected television programming. The Harrison et al. reference provides

evidence as to the existence of "chat room Internet sites" (Col 1, Lines 16-29) and discloses a method wherein a "processor is configured to establish a link to a chat room internet site related to a selected television program" whereupon the user can "enter the chat room" to actively participate in an online discussion regarding the program (Figures 1 and 4; Col 3, Line 53 – Col 4, Line 15). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Levine reference to provide the user with the ability to link to a "chat room Internet site related to a selected program" as disclosed by Harrison for the purpose of providing users with the ability to view or actively participate in online discussions regarding the current televised program (Harrison: Col 2, Lines 24-51).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- The Public Broadcasting Report article provides evidence as to Prodigy providing an interactive TV listing service.
- The MEDIAWEEK article provides evidence as to on-line service providers providing a variety of services in connection with interactive TV listings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott Beliveau
July 7, 2005